Record of Decision

for the

I-94 Jackson Freeway Modernization Project
M-60 to Sargent Road
Jackson County, Michigan

March 2007

U.S. Department of Transportation
Federal Highway Administration

U.S. Department
of Transportation
Federal Highway Administration

Michigan Division

315 W. Allegan, Room 201
Lansing, Michigan 48933

April 24, 2007

Ms. Susan P. Mortel, Bureau Director
Bureau of Transportation Planning (B340)
Michigan Department of Transportation
Lansing, Michigan

Dear Ms. Mortel:

In response to your April 5, 2007 letter, attached is a signed signature sheet of the Record of Decision (ROD) for the proposed I-94 Jackson Freeway Modernization Project from M-60 to Sargent Road located in Jackson County, Michigan (C.S. 38101, J.N. 53495).

Sincerely,

James J. Steele
Division Administrator

cc: D. Calabrese
Profile No. P-21283

MOVING THE
AMERICAN
ECONOMY

RECORD OF DECISION
I-94 Jackson Freeway Modernization Project
Jackson County, Michigan
FHWA-MI-EIS-02-01-F

1.0 INTRODUCTION

The following sets forth the basis for the Selected Alternative for the I-94 Jackson Freeway Modernization Project. The I-94 Jackson Freeway Modernization Project is a nine-mile segment of I-94 through Jackson County in the central portion of southern Michigan. The project area includes I-94 from just west of the Michigan State Route 60 (M-60) interchange to just east of the Sargent Road interchange (Figure 1). This Record of Decision (ROD) documents the selection of a Preferred Alternative for the project, summarizes impacts and mitigation measures, and documents Section 4(f) approval.

2.0 DECISION

The Preferred Alternative described in the FEIS has been identified as the Selected Alternative and is based on detailed consideration of a variety of information including:

- Information contained in the Draft Environmental Impact Statement (DEIS) approved on March 4, 2002 and the Final Environmental Impact Statement (FEIS) approved on December 18, 2006
- Public and agency comments pertaining to the proposed action
- Other alternatives and their costs, benefits, and negative impacts

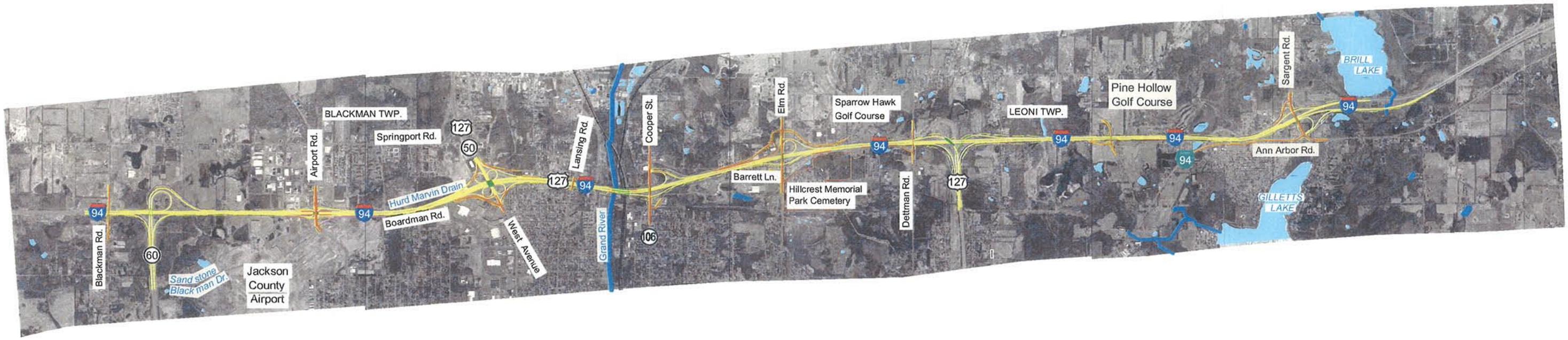
The Selected Alternative includes improvements throughout the entire nine-mile project area and incorporates elements from all three Practical Alternatives that were analyzed in Chapter 3 of the DEIS and Chapter 2 of the FEIS. A detailed description of the Selected Alternative is provided in Section 2 of the FEIS.

2.1 I-94 Mainline

For the Selected Alternative, the proposed I-94 cross section includes three 12-feet wide through lanes in each direction. The lanes will be separated by a 35-foot wide median that will include 12-foot shoulders and a median barrier. An auxiliary weave lane is required in both directions between US-127 West and M-106 (Cooper Street), and between M-106 (Cooper Street) and Elm Road. At the east and west ends of the project area, the mainline would be tapered from three lanes to two lanes in each direction to match the existing freeway cross section. The proposed centerline of I-94 will not dramatically change from the existing centerline.

2.2 Interchanges

The Selected Alternative would include the redesign of all project area interchanges so that they accommodate three through lanes in each direction on I-94 and meet modern engineering standards. With the exception of the interchanges at Airport Road, Elm Road, US-127 East, and Sargent Road, all of the interchanges would maintain the same general configurations that currently exist.



GRAPHIC SCALE
500 0 1000 2000 4000
(Feet)

N
W E
S

Legend

- Interstate Route
- Business Route
- U.S. Route
- State Route
- Open Water
- Proposed I-94 Mainline and Ramp Improvements
- Proposed Local Road Improvements
- Proposed Bridge Structure

MDOT
Michigan Department of Transportation

Figure 1
Preferred Alternative (Overall View)

I-94 Jackson Freeway Modernization Project
M-60 to Sargent Road
Jackson County, Michigan

2.3 Bridges

All of the existing bridges in the project area would be replaced as part of the Selected Alternative. This would be done to address the bridges that are in poor condition as well as to accommodate three through lanes of traffic on I-94. The replacement bridges will meet modern engineering standards for clearance and shoulder widths.

2.4 Local Roads

Implementation of the Selected Alternative will require modifications to local roads within the project area. These would include changes in the elevation (profile), shifting the centerline alignment, and widening due to additional travel lanes. The majority of these changes will be minor (i.e., roads will be similar to their existing conditions).

2.5 Intersections

The Selected Alternative would include changes to numerous intersections in the project area. These would be located where local roads intersect with interchange ramps and frontage roads.

2.6 Right-of-Way (ROW) Acquisition

The Selected Alternative would require the acquisition of approximately 111 acres of ROW to accommodate the widening of I-94 and changes to local roads and interchanges. At most of the impacted parcels, a relatively narrow strip of property would be acquired adjacent to the existing ROW, and current property uses would not be affected. However, the proposed project will result in the relocation of 21 properties, 12 residences, eight businesses, and one county facility (animal shelter). The conceptual stage relocation plan is included in *Appendix A* of this document.

2.7 Stormwater System

The Selected Alternative includes an open ditch stormwater system that collects stormwater flow off road surfaces and conveys it into vegetated roadside ditches. At many locations detention basins will be installed within the ROW.

2.8 Cost

The cost for the Selected Alternative would be about $409 million (in year 2005 dollars). This encompasses all costs associated with the project including ROW acquisition, design, construction, utility relocation, and mitigation.

3.0 ALTERNATIVES CONSIDERED

During the course of the I-94 Jackson Freeway Modernization project, a formal process (which is described in Section 3.2 of the DEIS) was used to develop and evaluate alternatives. This process included the development of three Practical Alternatives with a range of costs, negative impacts, and operational benefits. At each interchange, one Practical Alternative was selected for inclusion in the Selected Alternative. A detailed explanation of the selection at each interchange is provided in Section 2 of the FEIS, and a summary is included here.

3.1 No Build Alternative

At all of the interchanges in the project area, the No Build Alternative would not increase the traffic capacity of the road system, improve motorist safety, or improve the design of roads and bridges that do not meet modern engineering standards. Because the No Build Alternative fails to meet the project's purpose, it is not included as part of the Selected Alternative at any location.

3.2 M-60

At this location, all three Practical Alternatives had the same interchange design (trumpet interchange) which slightly adjusts the existing interchange to accommodate six through lanes (three lanes in each direction) on I-94. Therefore, no selection was required.

3.3 Airport Road

At the Airport Road interchange, Practical Alternative II was selected as part of the Selected Alternative at this location. Two designs were considered - Practical Alternatives I (a "compressed diamond" configuration) and II [a "single point urban interchange" (SPUI) configuration]. The costs, negative impacts, and right-of-way (ROW) requirements of these two Practical Alternatives were very similar. However, Practical Alternative II does a better job of minimizing traffic backups and congestion.

3.4 US-127 West

Alternative D-1 was selected as the Selected Alternative because it provides similar traffic operational benefits with lower cost and less negative impacts. Four alternatives were evaluated at the US-127 West interchange. Alternative I is similar in general configuration to the existing partial cloverleaf interchange configuration, but notably improves traffic operations. Practical Alternative II is a trumpet interchange configuration and separates local traffic from freeway traffic at all four of the freeway-to-freeway connections. Practical Alternative III is a "Y" configuration that provides a high speed freeway-to-freeway connection and also separates local traffic from freeway traffic. Alternative D-1 modified Practical Alternative I by adding loop ramps in the northwest quadrant and in the southeast quadrant of the interchange to complete a full cloverleaf design. In addition, two signalized intersections would be replaced by I-94 exit ramp lanes that merge with US-127/M-50. Northbound US-127/M-50 would become three lanes to accommodate entering and exiting crossover traffic from the loop ramps connecting to I-94. Southbound US-127/M-50 would continue as three lanes to accommodate merging and exiting traffic from the loop ramps connecting to I-94. The Shirley Road curve alignment would be shifted more to the northeast, the northwest US-127 to westbound I-94 entrance ramp alignment would be shifted more to the northwest, and the I-94 westbound exit ramp alignment would be shifted farther to the south, to accommodate the increased size of the interchange.

3.5 M-106 (Cooper Street)

Practical Alternative I was selected for inclusion in the Selected Alternative at this location. Two Practical Alternatives were evaluated at this location. Practical Alternative I includes a partial cloverleaf configuration that is similar to the existing interchange, while Practical Alternative II is also a partial cloverleaf, but has an additional entrance loop in the southwest quadrant. Both of these alternatives have similar traffic operations and are similar for most negative impacts. However, Practical Alternative I costs about $5 million less than Practical Alternative II, would require less ROW acquisition, and would have lower wetland impacts.

3.6 Elm Road

Practical Alternative III was selected for inclusion in the Selected Alternative at this location. Three Practical Alternatives were evaluated at the Elm Road interchange. Alternative I consist of a compressed diamond configuration, Alternative II is a diamond interchange, and Alternative III is a partial cloverleaf design. All three interchanges would have similar costs and impacts. However, Practical Alternative III would provide better traffic operations and would meet the purpose of the project better than the others.

3.7 US-127 East

Practical Alternative III was selected for inclusion in the Selected Alternative at this location. Three Practical Alternatives were evaluated at this location. Alternative I is a trumpet configuration similar to the existing configuration, Alternative II is a flyover design (providing high speed directional ramps for three of the four freeway-to-freeway movements), and Alternative III is a "Y" configuration (providing high speed directional ramps for all four of the freeway-to-freeway movements). All three of these alternatives provide similar traffic operations and meet the purpose of and need for the project equally well. Additionally, their costs and most impacts are similar. Because Alternative III has considerably less wetland impacts than the other two alternatives, it was selected.

3.8 Sargent Road

Practical Alternative II was selected as the Selected Alternative at this interchange. Three Practical Alternatives were considered. Alternative I is a diamond configuration, Alternative II is a partial cloverleaf interchange, and Alternative III is a partial cloverleaf design with the existing I-94 Business Loop (BL) ramps left open. These three alternatives have similar traffic operations and costs. However, Practical Alternative I would require the relocation of three more businesses than would Practical Alternatives II and III. Additionally, Practical Alternative III would require maintaining two separate interchanges for Sargent Road and I-94 BL. The other main factor considered at this location is the fact that Alternatives II and III would impact about 11 acres of regulated wetlands, while Alternative I would only affect about six acres. After balancing these wetland impacts against the negative impacts of relocating three businesses, Practical Alternative II was selected as the Selected Alternative.

4.0 SECTION 4(f)

There is one historic property that is eligible for the National Register of Historic Places where Section 4(f) use would occur. This house is located at 1644 Cooper Street. It was built in the late 1800s for use as residence for workers at a nearby coal mine. Construction of the Selected Alternative would result in the destruction of this site, and the State Historic Preservation Officer (SHPO) has determined that this would be an adverse effect. Analysis has shown that there is no feasible and prudent alternative to the use of land from this property, and the Selected Alternative includes all possible planning to minimize harm to the site. An executed Memorandum of Agreement (MOA) was located in Appendix D of the FEIS, and can be found in *Appendix B* of this document. The MOA includes mitigation measures and completes the Section 106 consultation process. Details regarding this analysis can be found in the Final Section 4(f) Evaluation which is Section 7 of the FEIS.

5.0 MEASURES TO MINIMIZE HARM

The FEIS Chapter 4 addresses mitigation measures being considered for the selected alternative, and is based on information available through March 2007. A Final Project Mitigation Summary "Green Sheet" for the selected alternative is attached at the end of this section.

All practicable measures to minimize environmental harm have been included as a part of the Selected Alternative. This section summarizes the main mitigation measures that will be implemented as part of the Selected Alternative. In addition, standard mitigation measures will be employed to address impacts related to air quality, vibration during construction, groundwater, traffic detours, floodplains, hazardous materials, visual conditions, underground mines, and surplus material. A complete listing of all measures to minimize harm is found in Section 4 of the FEIS. Beyond these measures, the project will comply with all permit conditions.

5.1 Relocations and ROW Impacts

ROW acquisition and relocation activities will be conducted in accordance with all relevant Federal and State of Michigan requirements. Relocation assistance will be available to all owners and/or tenants who are displaced. Assistance may also be provided to businesses that would be displaced. Actions to minimize relocation impacts will be conducted in accordance with Act 31 of Michigan P.A. of 1970; Act 277 of Michigan P.A. of 1972; and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Fair and just compensation will be provided for each property within the proposed ROW as required by both the United States and Michigan Constitutions.

5.2 Noise and Vibration

Noise walls will likely be constructed at two locations: in the southeast quadrant of the US-127 West interchange and near the residential area west of Sargent Road on Trailer Park Drive. All noise walls will be evaluated in greater detail during the design phase of the project. A final decision regarding the installation of noise walls will not be made until the completion of the design phase and all related public involvement. Construction noise will be minimized by the use of mufflers on construction equipment. In areas where construction-related vibration is anticipated, basement surveys will be conducted before construction begins to document any damage caused by highway construction.

5.3 Surface Water

Highway runoff from the Selected Alternative will outlet into roadside ditches which will provide filtering through vegetation before the runoff is discharged into adjacent rivers, drains, streams, lakes, or wetlands. Highway runoff detention/retention areas will be incorporated into the M-60, US-127 West, Elm Road, US-127 East, and Sargent Road interchanges during the design phase of the project. The detention/retention basins will outlet into vegetated ditches where possible, for additional treatment of highway runoff. Basins will be sized to handle the first-flush flow and will be designed such that no harmful interference will occur from a 100-year storm event. A combination of detention basins and vegetated ditches will be designed to handle highway runoff at the Grand River and at the fens located south of Brill Lake at the eastern end of the project area. Routine maintenance will be performed on detention basins to assure that trapped sediments are regularly removed.

To protect surface water quality, best management practices (BMPs) will be implemented to minimize soil erosion during construction. BMPs to be used may include silt fences, coffer dams, check dams,

matting, temporary and permanent revegetation, organic fertilizer, and sediment basins. Routine inspections of the construction site will be performed at least once per week and within 24 hours of a precipitation event that causes runoff. All inspections will be performed and documented by a Certified Storm Water Operator for Construction Sites.

5.4 Groundwater

The Selected Alternative will include special construction techniques for the bridge over the Grand River and the Norfolk Southern railroad tracks in order to prevent contaminated groundwater in the shallow aquifer from being drawn to the south toward I-94. Additionally, at each location where subsurface work is required for bridge footings or piers, special drilling and construction techniques will be used to prevent contaminated water in the shallow aquifer from reaching the deep confined aquifer. Contaminated water removed during construction will be collected and disposed of in accordance with all relevant federal, state, and local regulations. Prior to undertaking these activities, coordination with representatives from Mechanical Products, Inc. will be conducted, and their input will be considered.

5.5 Wetland Mitigation Plan

A wetland mitigation plan has been developed to compensate for approximately 32.1 acres of impacts to regulated wetlands caused by the Selected Alternative. Wetland mitigation credits will be purchased for the project. The anticipated impacts will require approximately 48.4 acres of wetland mitigation. Mitigation for the wetland impacts is planned at a private wetland banking site located near Parma. MDOT is in the process of buying wetland banking credits from the property owner. Based on coordination during the course of the project, MDEQ has agreed that this site can be used for wetland mitigation. Details concerning use of this site will be determined during the design and ROW acquisition phases of the project when permit applications are prepared for submission to MDEQ. A copy of the Wetlands Finding is included in *Appendix C* of this document.

5.6 Threatened and Endangered Species

Impacts to Indiana bat habitat will be mitigated by not cutting any trees within possible habitat during the time period when this species could be present in Michigan. Trees in Indiana bat habitat will not be cut between April 1 and October 1 to protect maternal roosting colonies.

5.7 Cultural Resources

The historic importance of the site at 1644 Cooper Street will be documented prior to its demolition. Additionally, a Memorandum of Agreement (MOA) has been developed among MDOT, FHWA, and the SHPO regarding mitigation requirements at the site. The MOA can be found in Appendix D of the FEIS.

I-94 Jackson Freeway Modernization Project
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Green Sheet: Project Mitigation Summary

Impact Category	*Mitigation Measures*
I. Social and Economic Environment	
a. Noise	Noise walls are proposed at two locations. A 10 to 12-foot high noise wall is proposed in the southeast quadrant of the US-127 West interchange. A 12-foot high noise barrier will likely be constructed near the residential area west of Sargent Road on Trailer Park Drive.
b. Parking Impacts	Compensation will be provided to businesses that will lose parking as a result of the Preferred Alternative. Parking lot impacts are not anticipated to prohibit businesses operations.
c. Relocations	Acquisition and relocation assistance and advisory services will be provided by MDOT in accordance and compliance with Act 31, Michigan P.A. 1970; Act 227, Michigan P.A. 1972; the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and Act 87, Michigan P.A. 1980, as amended. MDOT will inform individuals, businesses and non-profit organizations of the impact, if any, of the project on their property. Every effort will be made through relocation assistance to lessen the impact when it occurs.
d. Healthcare Facilities	MDOT will coordinate with all healthcare facilities during design to eliminate or minimize potential impacts.
II. Natural Environment	
a. Wetlands	Wetland mitigation credits will be purchased from an approved wetland mitigation site to compensate for approximately 32.1 acres of impacts to regulated wetlands caused by the Preferred Alternative. This mitigation will total approximately 48.4 acres of mitigation wetlands. The location of the site is described in Section 4.8 of the FEIS. An Act 451, Part 303 permit will be obtained from MDEQ for this compensatory wetland mitigation.
b. Threatened & Endangered Species	Trees in potential Indiana bat habitat areas will not be cut between April 1 and October 1 to protect maternal roosting colonies.
c. Surface Water	The MDEQ and MDNR will be consulted concerning aquatic ecology and construction activities in the channel of the Grand River.
	Hydraulic studies have been performed and will be checked during the design phase of the project. At that time, specific details such as culvert length and sizes will be evaluated, and coordination with MDEQ will occur.
	During the design phase of the project, MDOT will investigate the possibility of having open channels for drains and streams in medians and between freeway ramps and the I-94 mainline. Preliminary investigations indicate that this may be possible inside the ramps at the M-60 interchange, the US-127 West interchange, and at the Brill Lake Inlet.
	All MDOT outfalls will be labeled in accordance with the MDOT statewide storm water permit.

Impact Category	*Mitigation Measures*
d. Groundwater	Special construction techniques will be used for the bridge over the Grand River and the Norfolk Southern railroad tracks. Sheet piling and/or concrete slurry walls will be used to protect groundwater from known contamination.
e. Floodplains	Hydraulic studies have been performed and will be checked during the design phase of the project to ensure that the project will not cause harmful interference with flood elevations, either upstream or downstream, from the project area. For those locations where more than 300 cubic yards of fill are placed within the floodplain, an equal amount of earth (i.e., compensating cut) will be removed from the floodplain in the same general vicinity.
III. Cultural Environment	
a. 1644 Cooper Street	Prior to demolition or construction activity, MDOT will record the residence to create a permanent record of its existence. The record shall be submitted to the SHPO for review and approval before construction.
IV. Hazardous / Contaminated Materials	
a. Hazardous Sites	MDOT will notify and coordinate with Mechanical Products, Inc. concerning proposed mitigation measures and work plans in the vicinity of the M-106 (Cooper Street) interchange.
V. Construction	
a. Vibration	Basement surveys will be offered in areas where vibration effects could occur. These areas will be identified during the design phase, where pavement and bridge removal will occur, or where piling and/or steel sheeting is planned. Vibration impacts are not anticipated at this time.
b. Underground mines	If abandoned underground mines are encountered as a result of geotechnical investigations, special construction techniques will be applied as needed to prevent road failures due to subsidence (sink-holes) or other sub-surface instability. Both the MDEQ Geologic Survey Division and the U.S. Department of Interior's Office of Surface Mining Reclamation and Enforcement will be consulted to assist with geotechnical investigations and the development of any special construction techniques that are required.
c. Maintaining Traffic	MDOT will coordinate with all emergency services including hospitals, police, and fire stations and all alternate routes will be clearly marked during construction.

6.0 COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT

The FEIS was signed on December 18, 2006 and made available for agency and public review in January 2007. The Notice of Availability appeared in the Federal Register on Friday, January 18. 2007. The comment period for receiving comments closed on February 20, 2007.

MDOT received letters from several state and federal agencies (letters can be found in Appendix A). The comments from the agencies and responses to those comments are listed below. No comments were received from the general public.

6.1 State Agencies Comments and Responses

Agency Comment: The Michigan Department of Natural Resources (MDNR) indicated that "the project was checked against known localities for rare species and unique natural features, which are recorded in a statewide database". MDNR indicated that the project should have no impact on rare or unique natural features at the location specified if it proceeds according to the plans provided.

Response: Comment noted.

Agency Comment: The Michigan Department of Agriculture indicated that MDOT has satisfactorily addressed their concerns regarding potential impacts to several established county drains and encourage MDOT to continue working closely with the Jackson County Drain Commissioner during continuing project planning and construction.

Response: MDOT will continue their efforts in coordinating with the Jackson County Drain Commission during subsequent phases of this project.

Agency Comments: The Michigan Department of Community Health indicated that there are three healthcare facilities that could be adversely affected by construction. One of the facilities is the Highland Home for the Aged located at 1948 Cooper Street which has a well located in or near the right of way that will be acquired. The well may need to be relocated, and precautions need to be taken during construction to protect groundwater quality. Other concerns at this facility include potential impacts to residents who utilize the courtyard and loss of parking.

Response: During the design phase of this project, MDOT will determine if the well needs to be moved to a new location. MDOT will also take the necessary steps to ensure that that the groundwater is protected during construction. MDOT will work with the facility's manager to address the parking concerns, the potential impacts to the residents, and the courtyard.

The second facility is the Blake Woods Medical Park Surgery Center located at 2775 Blake Road, which is the frontage road south of I-94. This facility is in close proximity to the construction site. Construction noise vibrations, such as pile driving, breaking up concrete, and road/bridge removal could disrupt medical procedures in the operating rooms at this facility.

Response: MDOT will work with the Blake Woods Medical Park Surgery Center to minimize construction noise impacts to the facility. MDOT will provide information to the facility as to when they can expect noise vibrations to occur.

The third facility is the W.A. Foote Memorial Hospital which uses I-94 as a main ambulance and patient route to the Hospital. It is recommended that alternate routes to the hospital be clearly posted during construction.

Response: MDOT will coordinate with all emergency services including hospitals, police and fire stations, as well as the motoring public regarding alternate routes during construction.

Agency Comments: The Michigan Department of Environmental Quality (MDEQ) indicated that under the National Environmental Policy Act and Section 404 regulatory process for transportation projects, MDEQ agrees on the third concurrence point as to the section of the preferred alternative. The MDEQ also had the following comments:

First Comment: The FEIS estimates that 32.1 acres of wetlands will be impacted requiring 48.4 acres of mitigation. Various streams and drains will be crossed with required work varying from extensions to structure replacements. MDEQ's looks forward to working with MDOT during the design and permitting phase to explore opportunities to reduce environmental impacts.

Response: The MDOT will work closely with MDEQ during the design and permitting phases to further reduce environmental impacts.

Second Comment: The document does not directly address the excavation, removal, storage, transportation, and proper use of inert fill material, as well as the disposal of concrete (pavement, bridge abutments, etc) and asphalt pavement that would occur during the construction phase of the project.

Response: The Contractor will be in compliance with the MDOT 2003 Standard Specifications for Construction, which addresses the excavation, removal, storage, transportation and disposal of all excess and unsuitable material. The Contractor will be in compliance with all federal, state, and local rules and regulations.

Third Comment: MDEQ's Remediation and Redevelopment Division (RRD) has replaced the Storage Tank Division as the appropriate contact for leaking underground storage tank matters.

Response: Comment noted.

Fourth Comment: MDEQ states that contractor requirements concerning dust control is on fugitive dust generated from unpaved roadways, soil, and fine aggregate storage piles, mechanical movement of fine materials, and loading or dumping fine materials from haulers. Programs should be developed to address these activities for the contractors involved. In most cases, dust palliatives will be the mode of control.

Response: The Contractor will comply with all MDOT specifications and Act 451 (Natural Resources and Environmental Protection), Part 91 (Soil Erosion and Sedimentation Control), requirements concerning the control of fugitive dust.

Fifth Comment: It was mentioned that all bridges for this project will be replaced; however, if that changes, either wet blasting or dry blasting within an enclosed structure and filter controls will be required. Priming and painting of bridge supports shall have those emissions contained to avoid impacts to vehicles traveling the roadways and citizens living in the area; i.e., north and south of I-94, west of Elm Street.

Response: MDOT will take the necessary steps to ensure that if wet blasting or dry blasting is required; it will be done within an enclosed structure with filter controls.

Sixth Comment: MDEQ stated that any cutting of concrete for expansion joints will be conducted in a dust-free manner to reduce dust impact and safety (visibility) for motorists in the area. Any air lancing to clean road surfaces or joint cleaning will have an air pickup and filter system to avoid dust emissions and safety issues mentioned previously. Street sweepers that are utilized will adequately wet the sweepings and properly filter the intake before discharge to the atmosphere.

Response: MDOT continues to evaluate options for control of air or water borne particulates from saw cutting and joint cleanout operations. These options will be considered as the design is advanced.

Seventh Comment: MDEQ states that any commercial structures that are removed will be required to submit documentation to assure there is no friable asbestos present, under the Federal NESHAP regulations. Any consideration of utilizing a structure by the local fire departments for fire training will require the same notification to assure friable and nonfriable asbestos has been removed. Also required for any fire training is a notification to the MDEQ's Air Quality Division, Jackson District Office, concerning the scope of the project.

Response: MDOT will follow its' established procedures for reviewing buildings and structures to be removed to determine if any friable asbestos is present. MDOT will follow procedures to properly document the removal and disposal of any friable asbestos that is found.

Eighth Comment: MDEQ stated that there shall be no open burning of waste construction materials, which shall be taken off site and properly recycled or land filled.

Response: Construction and unsuitable/excess waste materials will be properly disposed of.

Ninth Comment: MDEQ's stated that the Upper Grand River Watershed Council, the Jackson Phase II Permitees, along with the Upper Grand River Watershed Management Plan (WMP), should be consulted for further consideration regarding the specific drainage systems that will be affected and any concerns there may be. Include specific recommendations from the Council, Permitees, and WMP where necessary. This should be done prior to plans being finalized.

Response: Coordination with these groups will occur during the design phase of the project when more detailed drainage information is available.

Tenth Comment: MDEQ stated that the Upper Grand River includes a Total Maximum Daily Load (TMDL) for biota. The main problem is sedimentation and low Dissolved Oxygen (another TMDL in the Upper Grand). Both TMDL's need to be addressed during the planning stages, particularly sedimentation during construction, as well as the potential for sediments that continue to be a problem after construction. A specific concern stems from drainage from bridges. All drainage from bridges over the Grand River and tributaries should not be directly discharged to the waterways. Instead, route the drainage through a detention/retention area for periodic maintenance. Alternative drainage can be used, so long as this issue is addressed.

Response: Strict soil erosion and sedimentation controls will be set up and maintained during construction. Drainage from bridges over the Grand River and tributaries will be collected and allowed to filter through vegetation prior to being outletted into area watercourses where practical. The use of detention basins will be considered for areas where thermal impacts are not critical.

Eleventh Comment: MDEQ states that retention (or equivalent) is preferred where possible, instead of detention, as it is likely to cause less erosion and potentially less contaminated storm water. This should be addressed prior to construction and changes to plans where appropriate.

Response: The locations of potential detention basins will be determined during the design phase. Coordination with the MDEQ and MDNR will occur during the construction permit process to address water quality and fisheries impacts and proposed mitigation. Potential detention basin locations will be reviewed to ensure that thermal impacts do not impact fisheries resources.

6.2 Federal Agencies Comments and Responses

Agency Comments: The U.S. Department of Heath and Human Services (DHHS) indicated that the FEIS addressed their potential concerns which were raised in their April 17, 2002 letter commenting on the Draft Environmental Impact Statement, and they have no further comment to offer at this time. The DHHS believe the planned mitigation measures should minimize any potential impacts to the human populations if adequately implemented as described in the FEIS.

Response: Comments noted.

Agency Comment: The U.S. Department of the Interior, Fish and Wildlife Service has concurred on the Third NEPA/404 decision point: Selected Alternative for the I-94 Freeway Modernization Project located in Jackson County, Michigan.

Response: Comment noted.

Agency Comment: The U.S. Department of Transportation, Federal Aviation Administration (FAA) reviewed the Final EIS and stated that they recognize and appreciate MDOT's effort to minimize any potential hazardous wildlife attractants on or near airports with the identification of a wetland banking site at least 5-miles from the airport. Based on the information contained within the FEIS document, the FAA has no objections to the proposed I-94 Jackson Freeway Modernization Project.

Response: Comment noted.

Agency Comments: The U. S. Department of Environmental Protection Agency (EPA) stated that Final Environmental Impact Statement had addressed their concerns regarding wetland impacts, especially to high quality wetlands, and stormwater. Therefore, EPA concurs with preferred alternative. However, EPA may review the application for the MDEQ wetlands permit and have more comments related to that process at that time.

Response: Comments noted.

Second Comment: The EPA also indicated that it is important for MDOT to consider all practical measures to minimize wetland impacts as the project proceeds through final design and construction. EPA expects MDOT to consider the use of steep side slopes on fill embankments, retaining walls and alignment shifts to further avoid the high quality wetlands. To offset wetland impacts that can not be avoided, EPA encourages MDOT to consider functional replacement of these high quality systems. Many of the wetlands in the project area are high or moderate quality because of their water quality functions which are important to human health and the environment. EPA believes that a compensatory ratio higher than the minimum Michigan Department of Environmental Quality ratios may be necessary to offset these functions.

Response: The MDOT will work closely with MDEQ during the design and permitting phases to further reduce wetland impacts. The selected mitigation site (Parma mitigation bank) is approved by the MDEQ and would perform many of the functions impacted by the project. Wetland mitigation ratios will be determined during the permit application process.

Third Comment: EPA also stated that the final EIS contains a conceptual drainage plan for the I-94 corridor, which is intended to minimize adverse impacts to wetlands from stormwater and possibly alleviate past problems to these systems. EPA considers this an important opportunity for FHWA and MDOT to take advantage of during this project. EPA encourages MDOT to continue their efforts toward mitigating highway runoff in the corridor as plans continue to be refined in the design process.

Response: Comment noted.

Fourth Comment: EPA recommends that any lighting that is used as part of this project be energy-efficient and low impact. EPA also recommends that MDOT consider strategies to reduce diesel emissions, such as construction contracts that specify the use of equipment with clean diesel engines and the use of ultra-low sulfur diesel fuels.

Response: Comment noted.

Fifth Comment: EPA has indicated that they would like a copy of thee Record of Decision (ROD) for the project.

Response: MDOT will send a copy of the ROD to EPA after it has been approved by FHWA.

4/24/07
Date

James A. Steele
for the Federal Highway Administration

APPENDIX A

CONCEPTUAL STAGE RELOCATION PLAN

Michigan Department of Transportation
Real Estate Division
Conceptual Stage Relocation Plan on Recommended Alternative
Control Section 38101, Project Number 53495
I-94 Jackson Freeway Modernization Project
University Region
August 8, 2006

General Area and Project Information

The proposed I-94 Jackson Freeway Modernization Project will make the road safer for motorists by improving existing bridges and road segments; and by increasing travel efficiency and roadway capacity. The project extends nine miles along existing I-94 through Jackson County, from M-60 on the west side to the Sargent Road Interchange on the east side.

The general area along the I-94 Corridor contains a mixture of agricultural, residential, commercial, and industrial land uses. The corridor facilitates access to the Jackson County Airport, the Westwood Mall, the Jackson Crossing Shopping Center, and the State Prison. A few agricultural areas are found along the highway between the interchanges. The eastern end of the project contains the most residential land usage. Most residential relocations will result from changing the routes of the local roads.

The relocations discussed in this report are based upon the Recommended Alternative.

Displacements:

Recommended Alternative:	8 businesses
	8 possible business landlords, for the above commercial sites*
	9 residential home owners
	3 residential tenant units
	2 county buildings

Displacement Effects and Analysis:

This project will be purchased in segments, allowing for the efficient and complete relocation of all displaced residents and businesses, providing an adequate period of time for the relocation process to take place. Completing the project in phases or segments will allow for a more gradual relocation of all eligible residents and businesses. This will insure that there will be replacement properties available on the open market throughout the relocation process.

Residential - A thorough study of the availability of replacement housing indicates a sufficient supply of homes and rentals exist for this project. It is anticipated that the City of Jackson will be able to absorb the residential displacements projected under the Recommended Alternative.

Business - The project could cause the displacement of eight businesses. A thorough examination of availability of replacement commercial sites indicates that the displacement of these businesses will not have a major economic or otherwise generally disruptive effect on the City of Jackson. There will be sufficient commercial and industrial facilities in the marketplace to provide for replacement property for any eligible commercial or industrial displacement.

Community Buildings - The project may cause the displacement of two community buildings, the Jackson County Animal Control Shelter and a storage building for the Jackson County Sheriff's Department. The county will have the option to choose either just compensation based upon an appraisal of fair market value or functionally replacing the county buildings with other facilities which will provide equivalent utility (functional replacement). A review of the local real estate market indicates that there is an adequate supply of improved properties and vacant land available as replacement sites for the displaced community buildings.

Assurances:

The acquiring agency will offer assistance to all eligible residents, businesses, farms and nonprofit organizations impacted by the project, including persons requiring special services and assistance. The agency's relocation program will provide such services in accordance with Act 31, Michigan P.A. 1970; Act 227, Michigan P.A. 1972; Act 87, Michigan P.A. 1980, as amended, and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. The acquiring agency's relocation program is realistic and will provide for the orderly, timely and efficient relocation of all eligible displaced persons in compliance with state and federal guidelines.

Prepared by:

Scott D. Goeman — 8-8-06

Scott D. Goeman — **Date**
Property Analyst - University Region

Reviewed by:

Kelly Ramirez — 8/8/06

Kelly Ramirez — **Date**
Relocation Specialist – Real Estate Support Area

*The landlords' business is managing the rental properties.

APPENDIX B

MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT

Between
The Federal Highway Administration
and
The Michigan State Historic Preservation Officer
Regarding
The I-94 Jackson Freeway Modernization Project,
Jackson, Jackson County, Michigan
Submitted to the Advisory Council on Historic Preservation
Pursuant to 36 CFR Part 800.6(b)(1)

WHEREAS, the Federal Highway Administration (FHWA) has determined that the modernization and reconstruction of I-94 within the Jackson urban area, Jackson County, Michigan (Project) will have an adverse effect upon the residence at 1644 Cooper Street, also known as the Tremelling House, which appears to meet the criteria for listing in the National Register of Historic Places, and has consulted with the Michigan State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (the Act); and

WHEREAS, the FHWA has determined that the Project will no have no effect on the Best Motel located at 1725 West Avenue, which appears to meet the criteria for listing in the National Register of Historic Places, and has consulted with the SHPO; and

WHEREAS, The Michigan Department of Transportation (MDOT) participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA);

NOW, THEREFORE, the FHWA and the SHPO agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the Project's effect on the historic property.

STIPULATIONS

The FHWA will ensure that the following measures are carried out:

I. RECORDATION

Prior to the initiation of any demolition or construction activity, MDOT will record the residence at 1644 Cooper Street to create a permanent record of its existence. The recordation shall be completed in accordance with the SHPO Documentation Guidelines (**ATTACHMENT A**) and shall be submitted to the SHPO for review and approval prior to completion. MDOT will provide original copies of the recordation package to the SHPO for deposit in the State Archives of Michigan and an appropriate local archives designated by the SHPO.

II. PLAN REVIEW

During the detailed design process, MDOT will develop plans for road improvements near the Best Motel at 1725 West Avenue. If these plans indicate that there could be unforeseen right-of-way impacts at this site, MDOT will study ways to avoid and/or

minimize right-of-way impacts to the site. MDOT will submit preliminary plans and specifications for this location to the SHPO for review and approval.

III. AMENDMENT

The FHWA or the SHPO may propose to the other parties that this MOA be amended, whereupon the parties will consult in accordance with 36 CFR Part 800.6(c)(7) to consider such an amendment.

IV. DISPUTE RESOLUTION

Should any party to this agreement object within thirty (30) days to any of the proposed actions pursuant to this agreement, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved pursuant to 36 CFR Part 800.7(b), the FHWA shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within forty-five (45) days after receipt of all pertinent documentation, the Council will either:

1. Provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute (36 CFR Part 800.7(b)); or

2. Notify the FHWA that it will comment pursuant to 36 CFR Part 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the head of the FHWA in accordance with 36 CFR part 800.7 (c)(4) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute. The FHWA's responsibility to carry out all actions under this agreement that are not the subjects of the dispute will remain unchanged.

V. TERMINATION

1. If the FHWA determines that it cannot implement the terms of this MOA, or if the SHPO determines that the MOA is not being properly implemented, the FHWA or SHPO may propose to the other parties to this MOA that it be terminated.

2. The party proposing to terminate this MOA shall so notify the other parties to this MOA, explaining the reasons for termination and affording them at least sixty (60) days to consult and seek alternatives to termination. The parties shall then consult.

3. Should such consultation fail, the FHWA or SHPO may terminate this MOA by so notifying all parties.

4. Should this MOA be terminated, the FHWA shall either:
    1. Consult in accordance with 36 CFR Part 800.6 to develop a new MOA
    2. Request the comments of the Council pursuant to 36 CFR 800.7.

Execution of this Memorandum of Agreement by the FHWA and the Michigan SHPO and implementation of its terms evidence the FHWA has afforded the Council an opportunity to comment on the Project and its effects on historic properties and that the Council has taken into account the effects of the Project on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: James J. Steele 8/6/02 Date:
James J. Steele, Division Administrator

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

By: 7/29/02 Date:
Brian D. Conway

Concur:

MICHIGAN DEPARTMENT OF TRANSPORTATION

By: 8/5/02 Date:
Louis Lambert, Deputy Director, Bureau of Transportation Planning

APPENDIX C

WETLANDS FINDINGS

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
E.O. 11990 – WETLAND FINDING
FHWA-MI-EIS-02-01-F

This statement sets forth the basis for a finding that there is no practical alternative to construction in wetlands for the proposed modernization of approximately 9 miles of I-94 through the Jackson urban area in Jackson County, Michigan. All practical measures to minimize harm to the wetlands have been taken. This finding is made in accordance with Executive Order 11990 (23 CFR 771.125(a)(1)), on the Protection of Wetlands, dated May 24, 1977.

5.1 DESCRIPTION OF PROJECT

The I-94 Jackson Freeway Modernization Project is a study being conducted by MDOT on a nine-mile segment of I-94 through Jackson County in the central portion of southern Michigan. The project area includes I-94 from just west of the M-60 interchange to just east of the Sargent Road interchange. The project area encompasses approximately nine miles of existing highway, eight interchanges, numerous local frontage roads adjacent to I-94, and 18 distinct bridge structures at 14 locations. The Preferred Alternative includes improvements throughout the entire project area. As noted in the DEIS, the proposed I-94 cross section includes three through lanes in each direction. Additionally, auxiliary weave lanes will be included as part of the Preferred Alternative where weave distances between ramp gores would be inadequate. A 4th auxiliary weave lane would be required in both directions between US-127 West and M-106 (Cooper Street) and between M-106 (Cooper Street) and Elm Road. The Preferred Alternative includes upgraded interchanges at all project area interchanges as well as improvements to local roads that are adjacent to and cross I-94. Typical cross sections for the Preferred Alternative are shown in Figure 3-7 of the DEIS, and the Preferred Alternative is shown in Figures 1 and 2 of the FEIS.

5.2 DESCRIPTION OF WETLANDS AFFECTED

Affected wetlands are described in Section 5.11 and Appendix C of the Draft EIS. Impacts to wetlands resulting from the Preferred Alternative are described and analyzed in Section 2.3.5 of the FEIS, while mitigation is discussed in Section 4.8 of the FEIS which also describes proposed wetland mitigation concepts and the mitigation site. Overall wetland impacts for the Practical Alternatives are compared in Table 2-8 of the FEIS, and a detailed summary of impacts to moderate and high quality impacts is provided in Table 2-9. The wetland impacts resulting from the construction of the Preferred Alternative are also summarized in Table 2-10 of the FEIS. Approximately 32.1 acres of wetlands will be unavoidably impacted by the proposed project. This total includes about 13.2 acres of palustrine emergent (PEM), 2.9 acres of palustrine scrub-shrub (PSS) wetlands, 12.6 acres of palustrine emergent/palustrine scrub-shrub (PEM/PSS) wetlands, and 2.9 acres of palustrine open water (POW) wetlands (which are mitigated at a ratio of 1.5:1), as well as 0.5 acres of palustrine forested (PFO) wetlands (which are mitigated at a ratio of 2:1). These figures may be modified after final design is completed and will be described in detail during the permit application process.

5.3 PRACTICABLE ALTERNATIVES TO THE PROPOSED ACTION

An extensive investigation of alternatives was conducted as part of this project. Chapter 3 of the DEIS identifies these alternatives and explains why many of these were eliminated from further consideration. Furthermore, during the course of the project, MDEQ concurred that the three Practical Alternatives were

the correct alternatives to study in detail (a letter from MDEQ indicating this is included in Appendix A of the DEIS). The three Practical Alternatives were evaluated in detail in the DEIS, and Section 2 of the FEIS provides an explanation regarding the selection of the Preferred Alternative. The explanations in Chapter 3 of the DEIS and Section 2 of this FEIS document the fact that other transportation improvement alternatives that were eliminated are not practicable. These eliminated alternatives do not meet the purpose of and need for the project, have unacceptable negative impacts, and/or are prohibitively expensive. For these reasons, all other alternatives were eliminated from consideration, and there is no practicable alternative to the Preferred Alternative.

5.4 MEASURES TO MINIMIZE HARM

All three of the Practical Alternatives were designed to avoid wetlands where this goal could be accomplished at a reasonable cost. Wetland impacts were minimized at interchanges, where practicable, by selecting the Practical Alternative with the lowest wetland impacts for inclusion in the Preferred Alternative. Specifically, at the M-60, US-127 West, M-106 (Cooper Street), and US-127 East interchanges, the Practical Alternative with the lowest wetland impacts was selected. At three interchange locations (Airport Road, Elm Road, and Sargent Road), minimizing wetland impacts by selecting the Practical Alternative with the lowest impacts was not practicable. At Airport Road and Elm Road, the other Practical Alternatives under consideration did not meet the purpose of and need for the project as well as the selected alternative. At the Sargent Road interchange, the Practical Alternative with the least wetland impacts was not practicable because it would impact three more businesses than the alternative selected. Beyond these factors, wetland impacts have been minimized for the Preferred Alternative by using design features such as steep side slopes. Additionally, Section 4 of this FEIS identifies wetland mitigation commitments for the Preferred Alternative. These measures will be considered and incorporated during the design phase of the project. It is the goal to replace the wetland functions that are lost as a result of the Preferred Alternative. This mitigation wetland will be located within the Grand River watershed, will be constructed prior to wetland impacts, will include all the mitigation at one location, and will include mitigation ratios of 1.5:1 for impacts to PEM, PSS, and POW wetlands and a 2:1 ratio for impacts to PFO wetlands. A total of 48.4 acres of wetland mitigation will be created.

5.5 COORDINATION AND PUBLIC INVOLVEMENT

This project has been coordinated with representatives of the Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), Michigan Department of Environmental Quality (MDEQ), and other agencies as listed in Section 6 of the DEIS. A formal public hearing was held on April 18, 2002. Evidence of this coordination is contained in the appendices of the DEIS along with Section 6 of the FEIS. The concerns raised by these agencies and the public in general have been adequately considered in the selection of the Preferred Alternative.

5.6 CONCLUSION

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

APPENDIX D

AGENCY COMMENTS

STATE OF MICHIGAN

JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
LANSING

REBECCA A. HUMPHRIES
DIRECTOR

February 13, 2007

Ms. Margaret M. Barondess, Manager
Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

Dear Ms. Barondess:

SUBJECT: Proposed I-94 Jackson Freeway Modernization Project

Thank you for your letter of January 4, 2007 requesting comments on the proposed project. Ms. Mindy Koch asked me to respond.

The location of the proposed project was checked against known localities for rare species and unique natural features, which are recorded in a statewide database.

The following is a summary of the results for the project in Jackson County, Section 28, T2S R1W to Section 22, T2S R1E:

The project should have no impact on rare or unique natural features at the location specified above if it proceeds according to the plans provided. Please contact me for an evaluation if the project plans are changed.

Thank you for your advance coordination in addressing the protection of Michigan's natural resource heritage. If you have further questions, please call me at 517-373-1263 or e-mail at SargenL2@michigan.gov .

Sincerely,

Lori G. Sargent
Endangered Species Specialist
Wildlife Division

cc: Ms. Mindy Koch, Resource
Management Deputy, DNR

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

MITCH IRWIN
DIRECTOR

January 29, 2007

Ms. Margaret Barondess
Environmental Section Manager
Project Planning Division
Michigan Department of Transportation
425 W. Ottawa Street
P.O. Box 30050
Lansing, MI 48909

Dear Ms. Barondess:

I received your request for comment on the Final Environmental Impact Statement (FEIS) for the proposed I-94 Jackson Freeway Modernization Project in Jackson County. I have reviewed the plans with Michigan Department of Agriculture (MDA) staff, including a review of MDOT responses to other agencies' comments on the Draft Environmental Impact Statement (DEIS).

We feel that you have satisfactorily addressed our concerns regarding potential impacts to several established county drains and encourage you to continue working closely with the office of the Jackson County Drain Commissioner during continuing project planning and construction. As such, we have no additional concerns regarding the issues identified in the FEIS as they relate to the functions of the MDA.

We appreciate being continually included in this EIS review process. Feel free to contact Abigail Eaton, Resource Specialist at 517/241-3933 if we can be of further assistance on this project.

Sincerely,

Mitch Irwin
Director

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JANET OLSZEWSKI
DIRECTOR

February 22, 2007

Ms. Margaret Barondess
Environmental Section Manager
Michigan Department of Transportation
425 W. Ottawa St.
Lansing, Michigan 48933

Dear Ms. Barondess:

This letter is in response to your January 4 correspondence requesting comments relevant to the I-94 Jackson Freeway Modernization Project.

We have determined that there are three healthcare facilities (Highland Home for the aged, Blake Woods Medical Park Surgery Center and W.A. Foote Memorial Hospital) that could be adversely affected by construction during the I-94 Jackson Freeway Modernization Project.

- It is believed that the well for Highland Home for the Aged located at 1948 Cooper St. is located in or near the right of way to be acquired. This well may need to be relocated and precautions need to be taken during construction to protect groundwater quality. Also, 30 percent of the facility's parking will be lost to the acquired right of way. This may lead to inadequate parking for staff and visitors.

- Also at the Highland Home for the Aged, our records show that there is a fenced in courtyard located between the facility and Cooper St. which is used for the dementia unit residents. The construction noise could startle dementia residents in the courtyard as they can be easily frightened. In addition, this courtyard is close to the newly acquired right of way and may need to be relocated because of its proximity to the road improvements.

- Blake Woods Medical Park Surgery Center is located at 2775 Blake Road (which is the frontage road south of I-94). Due to the close proximity of this facility to the construction site, any vibration caused by work such as breaking concrete, compacting, pile driving, and road/bridge removal could disrupt procedure in the Operating Rooms at this facility. It is recommended that times are correlated with the facility as to when work causing vibrations will occur.

- I-94 is the main ambulance and patient route to W.A. Foote Memorial Hospital. It is recommended that alternate routes to the hospital be clearly posted during construction.

Should you have any questions regarding this subject, please feel free to contact the Health Facilities Engineering Section at 517-241-3408.

Sincerely,

Jan Christensen, Deputy Director
Health Policy, Regulation & Professions Administration

cc: Michael Dankert
Thomas Freebury
James D. Scott

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

STEVEN E. CHESTER
DIRECTOR

February 13, 2007

Ms. Margaret M. Barondess, Manager
Environmental Section
Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

Dear Ms. Barondess:

SUBJECT: Final Environmental Impact Statement (FEIS): I-94 Jackson Freeway Modernization Project, M-60 to Sargent Road, Jackson County, Michigan

The Michigan Department of Environmental Quality (MDEQ) has completed review of the FEIS for the I-94 Jackson Freeway Modernization Project that was received on January 4, 2007.

The project will include a 9 mile section along I-94 from just west of M-60 to just east of the Sargent Road interchange. The purpose of the proposed project is to: 1) improve the deteriorating condition of existing bridges and roads; 2) improve travel efficiency and roadway capacity by replacing existing road segments, interchanges, and bridges with modern facilities designed to accommodate projected year 2025 traffic volumes; and 3) improve motorist safety.

The selected alternative is a combination of the 3 practical alternatives that were discussed in the Draft EIS, along with a new alternative D-1 for the US-127 west interchange.

Under the National Environmental Policy Act and Section 404 regulatory process for transportation projects, the MDEQ agrees on the third concurrence point as to the selection of the preferred alternative.

The MDEQ has the following comments:

1) The FEIS estimates that 32.1 acres of wetlands will be impacted, requiring 48.4 acres of mitigation. Various streams and drains will be crossed with required work varying from extensions to structure replacements. The MDEQ's Land and Water Management Division looks forward to working with the Michigan Department of Transportation (MDOT) during the design and permitting phase to explore further opportunities to reduce environmental impacts.

2) It appears that the project will have little, if any, direct impact on existing sites regulated under Part 115, Solid Waste Management; Part 211, Underground Storage Tank Management; Part 169, Scrap Tires; or Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the administrative rules promulgated thereunder. However, the document does not directly address the excavation, removal, storage, transportation, and proper use of inert fill material, as well as the disposal of concrete (pavement, bridge abutments, etc.) and asphalt pavement that would occur during the construction phase of the project. The document does indicate that the MDOT will operate in accordance

with federal and Michigan rules and regulations, and it is assumed that this includes Part 115 and other Waste and Hazardous Materials Division (WHMD) administered programs. Please contact Lee Carter in the WHMD's Jackson District Office at 517-780-7920 regarding WHMD issues.

3) In Section 3.1.1, the Remediation and Redevelopment Division (RRD) has replaced the Storage Tank Division as the appropriate contact for leaking underground storage tank matters. Please contact Mitch Adelman in the RRD's Jackson District Office at 517-780-7852 regarding RRD issues.

4) In the FEIS and Final 4(f) Evaluation, two sections address air quality issues. Section 3.1.7 addresses the worst case CO concentrations at the four interchanges for the year 2025. The table reflects compliance with the 1 hour standard for CO at 35 ppm and the 8 hour standard for CO at 9 ppm.

Section 4.3 briefly mentions air quality issues in the context of contractor requirements to comply with adequate dust controls and that portable asphalt and concrete plants will be required to obtain permits from the MDEQ's Air Quality Division (AQD). Crushers, presumably for concrete or asphalt, will also be required to obtain permits. These facilities may have permits in hand and would be required to submit the required notice of relocation with the appropriate documents required.

As to the contractor requirements concerning dust control, the AQD is focusing on fugitive dust generated from unpaved roadways, soil, and fine aggregate storage piles, mechanical movement of fine materials, and loading or dumping fine materials from haulers. Programs should be developed to address these activities for the contractors involved. In most cases, dust palliatives will be the mode of control. Records will be made available if suppressants are applied, as needed.

It was mentioned that all bridges for this project will be replaced. AQD presumes that no abrasive cleaning will be required on bridge supports. If that is modified, either wet blasting or dry blasting within an enclosed structure and filter controls will be required. Priming and painting of bridge supports shall have those emissions contained to avoid impact to vehicles traveling the roadways and citizens living in the area; i.e., north and south of I-94, west of Elm Street.

Any cutting of concrete for expansion joints will be conducted in a dust-free manner to reduce dust impact and safety (visibility) for motorists in the area. Any air lancing to clean road surfaces or joint cleaning will have an air pickup and filter system to avoid dust emissions and safety issues mentioned previously. Street sweepers that are utilized will adequately wet the sweepings and properly filter the intake before discharge to the atmosphere.

Any commercial structures that are removed will be required to submit documentation to assure there is no friable asbestos present, under the Federal NESHAP regulations. Any consideration of utilizing a structure by the local fire departments for fire training will require the same notification to assure friable and nonfriable asbestos has been removed. Also required for any fire training is a notification to the AQD, Jackson District Office, concerning the scope of the project.

Finally, there shall be no open burning of waste construction materials, which shall be taken off site and properly recycled or land filled. Please call Mike Maillard with the AQD's Jackson District Office at 517-780-7845 regarding AQD issues.

5) The MDEQ's Water Bureau (WB) has the following comments

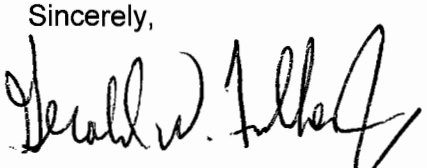
a. The Upper Grand River Watershed Council, the Jackson Phase II Permittees, along with the Upper Grand River Watershed Management Plan (WMP), should be consulted for further consideration regarding the specific drainage systems that will be affected and any concerns there may be. Include specific recommendations from the Council, Permittees, and WMP where necessary. This should be done prior to plans being finalized.

b. The Upper Grand River includes a Total Maximum Daily Load (TMDL) for biota. The main problem is sedimentation and low Dissolved Oxygen (another TMDL in the Upper Grand). Both TMDLs need to be addressed during the planning stages, particularly sedimentation during construction, as well as the potential for sediments that continue to be a problem after construction. A specific concern stems from drainage from bridges. All drainage from bridges over the Grand River and tributaries should not be directly discharged to the waterways. Instead route the drainage through a detention/retention area for periodic maintenance. Alternative drainage can be used, so long as this issue is addressed.

c. Retention (or equivalent) is preferred where possible, instead of detention, as it is likely to cause less erosion and potentially less contaminated storm water. This should be addressed prior to construction and changes to plans where appropriate. Please contact Rachel Mathews with the WB's Jackson District Office at 517-780-7917 regarding WB issues.

If you have any other questions, please contact me, or Alex Sanchez of the LWMD at 517-335-3473.

Sincerely,



Gerald W. Fulcher, Jr., P.E., Chief
Transportation and Flood Hazard Unit
Land and Water Management Division
517-335-3172

cc: Mr. Charles O'Neill, U.S. Federal Highway Administration
Ms. Sherry Kamke, U.S. Environmental Protection Agency
Mr. Craig Czarnecki, U.S. Fish and Wildlife Service
Mr. John Konik, U.S. Army Corps of Engineers
Mr. James Sygo, Deputy Director, MDEQ
Mr. Stanley F. Pruss, Deputy Director, MDEQ
Mr. Mitch Adelman, MDEQ, RRD
Ms. Rachel Mathews, MDEQ, WB
Mr. Lee Carter, MDEQ, WHMD
Mr. Mike Maillard, MDEQ, AQD
Ms. Mary Vanderlaan, MDEQ
Mr. Alex Sanchez, MDEQ

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

February 13,2007

Ms. Margaret M. Barondess
Manager Environmental Section
Michigan Department of Transportation
425 West Ottawa Street
Lansing, Michigan 48909

Dear Ms. Barondess:

We appreciate the opportunity to review the Final Environmental Impact Statement (FEIS) for the Proposed I-94 Jackson Freeway Modernization Project.. We are responding on behalf of the U.S. Public Health Service, Department of Health and Human Services (DHHS).

We believe this FEIS has addressed our potential concerns which we raised in our April 17, 2002 comments on the Draft Environmental Impact Statement, and we have no further comments to offer at this time. We believe the planned mitigation measures should minimize any potential impacts to human populations if adequately implemented as described in this FEIS.

Thank you for the opportunity to review and comment on this document. Please send us a copy of any future EAs or EISs which may indicate potential public health impacts and are developed under the National Environmental Policy Act (NEPA).

Sincerely yours,

Paul Joe

Paul Joe, DO, MPH
Medical Officer
National Center for Environmental Health (F16)
Centers for Disease Control & Prevention

United States Department of the Interior

FISH AND WILDLIFE SERVICE
East Lansing Field Office (ES)
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823-6316

IN REPLY REFER TO:

February 21, 2007

Mr. James J. Steele, Division Administrator
Federal Highway Administration
U.S. Department of Transportation
315 West Allegan Street, Room 201
Lansing, Michigan 48933

Re: Request for NEPA/404 Concurrence on the Third Decision Point: Selected Alternative for the I-94 Freeway Modernization Project, Jackson County, Michigan

Dear Mr. Steele:

This responds to your January 16, 2007, letter, requesting our concurrence on the third NEPA/404 decision point for the above referenced project. We provide these comments in accordance with the intent of the National Environmental Policy Act of 1969, as amended.

We have reviewed the Final Environmental Impact Statement (FEIS), which accompanied your letter. The FEIS identifies Alternative D-1 as the preferred alternative. Pursuant to the March 1994 Federal Highway Administration NEPA/404 Merging Process, we agree to the third decision point and concur with the selection of Alternative D-1 as the Preferred Alternative.

We appreciate the opportunity to provide these comments. If you have any questions, please contact Barbara Hosler of this office at 517/351-6326 or the above address.

Sincerely,

Acting for Craig A. Czarnecki
Field Supervisor

cc: MDOT, Project Planning Division, Lansing, MI (Attn: Margaret Barondess)
MDEQ, Land and Water Management Division, Lansing, MI (Attn: Jerry Fulcher)
USEPA, Region 5, B-19J, Chicago, IL (Attn: Sherry Kamke)

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U.S. Department
of Transportation
**Federal Aviation
Administration**

**Detroit Airports District Office
11677 South Wayne Road
Suite 107
Romulus, MI 48174**

January 18, 2007

Ms. Margaret M. Barondess, Manager
Environmental Section – Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Dear Ms. Barondess

I-94 Jackson Freeway Modernization Project
Final Environmental Impact Statement
Federal Aviation Administration Review Comments

We are in receipt of the November 2006 Final Draft Environmental Impact Statement (FEIS) and Final Section 4(f) Evaluation. The Federal Aviation Administration (FAA)-Detroit Airports District Office has completed a review of the document relative to the I-94 Freeway Modernization Project and any potential design implications to the Jackson County Airport's land and airspace requirements (current and future).

A specific item of interest to the FAA referenced with in the document pertains to the mitigation requirements associated with unavoidable wetland impacts. As outlined in Section 4.8 of the document (Conceptual Wetland Mitigation Plan), it is anticipated that the wetland mitigation requirements for the proposed project will be located outside of a 5-mile radius of the Jackson County Airport within an MDEQ approved wetland bank. The FAA recognizes and appreciates the effort to minimize any potential hazardous wildlife attractants on or near airports with the identification of a wetland banking site at least 5-miles from the airport.

Based on the information contained within the FEIS document as presented, the FAA has no objections to the proposed I-94 Jackson Freeway Modernization Project.

If you have any questions please feel free to contact me at 734-229-2916 or by e-mail at Brad.N.Davidson@faa.gov.

Sincerely,

Brad N. Davidson, P.E.
Environmental Protection Specialist
Detroit Airports District Office

cc: Mr. David Calabrese (Federal Highway Administration)
Ms. Molly Lamrouex (MDOT-Aeronautics)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 13 2007

REPLY TO THE ATTENTION OF:

B-19J

Mr. David Calabrese
Field Operations Group Leader
Federal Highway Administration
315 West Allegan Street, Room 201
Lansing, Michigan 48933

Re: Comments on the Final Environmental Impact Statement (FEIS) for the I-94 Jackson Freeway Modernization Project, Jackson County, Michigan, EIS No. 20070011

Dear Mr. Calabrese:

The U.S. Environmental Protection Agency – Region 5 (U.S. EPA) has reviewed the Final Environmental Impact Statement (EIS) for the I-94 Jackson Freeway Modernization Project, Jackson County, Michigan in light of our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The project proposed by the Federal Highway Administration (FHWA) and Michigan Department of Transportation (MDOT) is intended to modernize a nine-mile segment of I-94 through the Jackson urban area that has deteriorating road segments and bridges. In addition to addressing these roadway and bridge problems, the project is intended to improve travel efficiency by increasing roadway capacity and improving roadway geometrics so that it can safely accommodate 2025 traffic volumes. The existing corridor has two through lanes in each direction. Each of the alternatives that were evaluated in the Draft EIS included adding a continuous through lane in each direction. The difference in the alternatives studied was the interchange configurations and the necessary right-of-way that they would require. Interchange components from each of the practical alternatives evaluated in the Draft EIS were combined to form the preferred alternative. The alternatives studied in the Draft EIS ranged from 32 – 36.5 acres (or 14.4 – 19.4 acres of high and moderate quality wetlands) of wetland impacts. The preferred alternative will require 32.1 acres (19.3 acres moderate to high quality) of wetlands to be filled.

U.S. EPA provided comments on the Draft EIS by letter on May 5, 2002. We indicated that we had concerns regarding wetland impacts, especially to high quality wetlands, and stormwater. We had asked for more information to be included in the Final EIS regarding direct impacts to moderate and high-quality wetlands. We also asked that the Final EIS include more information regarding stormwater management. The information included in the Final EIS satisfies our

earlier concerns, therefore, we concur with the preferred alternative. However, our agency may review the application for the Department of Environmental Quality (DEQ) wetlands permit and have comments related to that process at that time.

We appreciate the additional information on high and moderate quality wetland impact that was included in the Final EIS. We also recognize that the design of the preferred alternative has resulted in the avoidance of several wetlands areas. However, the loss of 32.1wetland acres is still significant. It is therefore important for you to consider all practical measures to minimize these impacts as the project proceeds through final design and construction. We expect that you will consider the use of steep side slopes on fill embankments, retaining walls and alignment shifts to further avoid the high quality wetlands. To offset wetland impacts that can not be avoided, we encourage you to consider functional replacement of these high quality systems. Many of the wetlands in the project area are high or moderate quality because of their water quality functions which are important to human health and the environment. We believe that a compensatory ratio higher than the minimum Michigan Department of Environmental Quality ratios may be necessary to offset these functions.

The Final EIS contains a conceptual drainage plan for the corridor, which is intended to minimize adverse impacts to wetlands from stormwater and possibly alleviate past problems to these systems. We consider this an important opportunity for FHWA and MDOT to take advantage of during this project. We encourage your agency to continue your efforts toward mitigating highway runoff in the corridor as plans continue to be refined in the design process.

We recommend that any lighting used as part of this project be energy-efficient and low impact. We also recommend that MDOT consider strategies to reduce diesel emissions, such as construction contracts that specify the use of equipment with clean diesel engines and the use of ultra-low sulfur diesel fuels. Information on clean diesel strategies can be found at www.epa.gov/cleandiesel .

Please send us a copy of the Record of Decision for the project. If you have any questions or comments, please feel free to contact Sherry Kamke, of my staff, at (312) 353-5794.

Sincerely yours,

Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Science, Ecosystems, and Communities

cc: Margaret Barondess, MDOT
Craig Czarnecki, USFWS
Jerry Fulcher, MDEQ